
Appeal Decision

Site visit made on 2 September 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2020

Appeal Ref: APP/T5150/W/20/3249279

45 Kilburn High Road, London, Brent NW6 5SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Rubinow against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2868, dated 6 August 2019, was refused by notice dated 20 January 2020.
 - The development proposed is described as the 'Reconfiguration of internal space, with a rear extension and mansard extension to provide 12 no. HMO bedrooms with shared kitchen, dining and sanitary facilities'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would provide suitable living conditions for future occupants, with particular regard to the layout and provision of internal communal living space.

Reasons

4. This appeal concerns the basement and upper floors of a mid-terraced property, which is currently divided into self-contained flats accessed via a communal entrance and hallway on the ground floor. The site is within the South Kilburn Conservation Area.
5. Permission is sought to erect a rear and mansard extension and convert the flats into a 12 bedroom house in multiple occupation (HMO).
6. The proposed accommodation would be split over the basement and upper four floors, with three bedrooms and a shared kitchen on each of the first, second and third floors, two bedrooms within the loft and a bedroom and a communal kitchen/living room within the basement. The commercial unit on the ground floor would be unaffected by the proposal.

7. There is no dispute between the parties that the proposed bedrooms would meet and exceed the minimum standards for bedrooms as set out in the licensing requirements for an HMO. However, the issuing of a license is under separate legislation and does not confirm that planning permission will of should be forthcoming. A shared kitchen would be provided on each of the floors however, those within the upper floors would be restricted in size and would not be capable of accommodating furniture such as a dining table or sofa. Accordingly, they are unlikely to be attractive or practical for use as social spaces.
8. Whilst the proposed communal living room would provide space for occupants to relax and socialise its location within the basement raises concern. The host building is a large property, with generous floor to ceiling heights. As such, there are several large staircases throughout, with typically two staircases between floors. This would result in occupiers within the upper floors having to travel from between three and nine staircases to use the communal living room in the basement. The excessive number of stairs which would have to be negotiated to reach it, particularly from the higher floors, would likely discourage occupants from using the communal living space. Furthermore, the communal living space at the rear of the basement is not served directly by a window. A lack of natural light and outlook would result in an oppressive living environment which would further dissuade occupiers from using this space.
9. It is suggested that an external terrace to the first floor would supplement the communal basement living space. This is not shown on the submitted plans and I am not convinced that a terrace could be accessed via communal space. However, even if limited outdoor space could be provided, it wouldn't compensate for the poor quality of the internal communal living space.
10. The Council are also concerned that the accommodation within the basement could be used as an independent flat. Whilst the layout of the basement area could lend itself to becoming a self-contained unit in future there is no convincing evidence before me that this would be the case. Moreover, the appellant has applied for a 12 bedroom HMO rather than two separate units and it is on this basis that I have considered the appeal. Nevertheless, this does not outweigh the concerns with the arrangement of communal facilities as noted above.
11. The appellant suggests that this proposal would bridge the gap between unaffordable accommodation and homelessness by providing small low-cost accommodation, however there is no compelling evidence to support this. Nevertheless, even if there is a lack of this type of accommodation in the borough, this does not justify a proposal that would result in poor living conditions for future occupiers for the reasons set out above.
12. Taking all the above into consideration, this proposal would result in a poor standard of accommodation and would not therefore provide suitable living conditions for future occupiers with particular regard to the layout and provision of communal facilities. Consequently, it would be contrary to policies DMP1 and DMP20 of the Local Borough of Brent Local Plan, Development Management Policies (November 2016) which collectively seek, amongst other things, to ensure developments provide high levels of internal amenity and appropriate communal facilities.

Other Matters

13. The appeal site is part of a locally listed terrace within the South Kilburn Conservation Area (the CA). The significance of the CA is largely derived from the substantial terraced buildings of visual uniformity and symmetry between the windows. These characteristics are reflected in the fenestration of the upper floors of the appeal building and wider terrace. The Council has not objected to the design or scale of the proposed rear and mansard extensions. On the basis of all I have seen and read I consider that the proposal would preserve the character and appearance of the locally listed terrace and the CA. However, this does not negate the harmful aspects of the proposal as set out above.

Conclusion and Recommendation

14. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR